

Cause No. _____

Werner A. Chavez and Paola Chavez

§

IN THE DISTRICT COURT OF

§

-VS-

§

HARRIS COUNTY, TEXAS

§

**Marcelo Campos-Perez and
Uber Technologies, Inc.**

§

JUDICIAL DISTRICT**PLAINTIFFS' ORIGINAL PETITION WITH REQUEST FOR DISCLOSURES****TO THE HONORABLE JUDGE OF SAID COURT:**

Werner A. Chavez and Paola Chavez file this Plaintiffs' Original Petition with Request for Disclosures complaining of Defendants, Marcelo Campos-Perez and Uber Technologies, Inc. and respectfully shows as follows:

I.**DISCOVERY PLAN LEVEL 1**

Plaintiffs request that this lawsuit be governed by Discovery Plan Level 1 pursuant to Rule 190.2 of the Texas Rules of Civil Procedure.

II.**CLAIMS FOR RELIEF**

Pursuant to Rule 47 C (1) in the Texas Rules of Civil Procedure, this lawsuit is for monetary relief of less than \$100,000.

III.**PARTIES**

Plaintiffs are individuals and residents of Harris County, Texas.

Defendant Marcelo Campos-Perez is an individual resident of Los Angeles County, California and may be served to his place of residence 1915 W. Vernon Ave, Los Angeles, CA 90062 or wherever he may be found.

Defendant Uber Technologies, Inc. ("Uber") is a foreign business entity incorporated in Texas and whose principal place of business is located at 1455 Market Street Floor 4, San Francisco, CA 94103-1355. Defendant Uber may be served with process by serving its registered agent for service, CT Corporation, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136.

IV.**JURISDICTION OF VENUE**

This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of this court. Venue is proper in Harris County, Texas, because Defendant Uber Technologies, Inv. does business in Harris County, Texas.

EXHIBIT 1

V.
FACTUAL BACKGROUND

This is a suit for negligence. On or about December 27, 2018, Plaintiff, Werner A. Chavez was driving a 2015 Chevy Silverado traveling SB on Windsor Ave. in Los Angeles County, California. Defendant Marcelo Campos-Perez was driving a 2016 Chevy Sonic traveling EB on Wilshire failing to control speed and made and unsafe lane change then rear ended Plaintiff, causing the collision. As a result of the collision, Plaintiff sustained serious personal bodily injuries.

VI.
CAUSES OF ACTION

Defendant Marcelo Campos-Perez had common-law and statutory duties to use ordinary care in the operation of his vehicle. He negligently breached those duties and that negligence proximately caused Plaintiff(s) injuries and damages. Specifically, Defendant Marcelo Campos-Perez was negligent in the following particulars:

- a. failing to control speed, violating California Transportation Code § 22400;
- b. in making an unsafe lane change, violating California Transportation Code §522107;
- c. in wreck less driving, violating California Transportation Code §23103;
- d. driver inattention; and
- e. in all things failing to act as a reasonable person using ordinary care in the same or similar circumstances.

At all times material hereto, Defendant Campos-Perez was acting in the course and scope of his employment for Defendant Uber and/or its alter-egos.

Plaintiff pleads in the alternative that at all times material hereto, Defendant Campos-Perez acted as an express, apparent and/or ostensible agent for Defendant Uber and/or its alter-egos and was acting within course and scope of his agency at the time of the accident in question.

Plaintiff further plead in the alternative that Defendant Campos-Perez was in furtherance of mission for the benefit of Defendant Uber and/or its alter-egos and subject to control by Defendant Uber and/or it's alter-egos as to the details of the mission.

Plaintiff further plead that Defendant Uber and/or its alter-egos was negligent and/or negligent *per se* for one or more of the following reasons:

- a. Negligently trained and/or supervised employees and/or agents;
- b. Violated applicable, local, state and federal laws and/or regulations; and/or
- c. Other acts so deemed negligent.

As a result of these acts or omissions, Plaintiff sustained damages recognizable by law.

VII.
DAMAGES

Because of her bodily injuries proximately caused by Defendant Campos-Perez's negligence, Plaintiff Werner A. Chavez is entitled to reasonable and proper compensation for the following legal damages:

- a. past and future medical expenses;
- b. past and future physical pain and mental anguish; and
- c. past and future physical impairment;

VIII.
REQUEST FOR DISCLOSURES

Pursuant to Texas Code of Civ. Pro. 194, Defendant is hereby requested to disclose the information and material described in Rule 194.2 **within fifty (50) days** of the service of this request.

VIII.
OTHER DISCOVERY

Plaintiff refers you to the attached Request for Production and First Set of Interrogatories and notifies you that a response is required within 50 days of service of these requests.

IX.
PRAYER

Plaintiff prays that the Defendant be cited to appear and answer the allegations set forth in this petition, and that upon final hearing, Plaintiff be awarded a judgment against Defendant for the damages prayed for herein; costs of the court; pre-judgment and post-judgment interest on the total amount of judgment awarded at the highest legal rate provided for by law; and such other and further relief, general or special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

DeSimone Law Office

By: /s/ Donald G. DeSimone
Donald G. DeSimone
SBN: 05776710
4635 Southwest Freeway
Suite 850
Houston, Texas 77027
Email: ddesimone@desimonelawoffice.com
Phone#(713) 526-0900
Fax# (713) 526-8041
Attorney for Plaintiff